

In support of this Motion, ASIC also relies upon the pleadings filed herein and its Memorandum of Law filed contemporaneously herewith.

WHEREFORE, premises considered, Defendant respectfully requests that this Court grant it leave to amend its Answer to assert the omitted counterclaim reflected in Exhibit A attached hereto.

Respectfully submitted,

/s/ R. Brad Morgan
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CERTIFICATE OF SERVICE

I hereby certify that on December 23, 2009, the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's electronic filing system.

/s/ R. Brad Morgan
R. Brad Morgan